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File No. Stamp II/43

Legal Department

B **BRANCH**

Subject: Rules and Notifications under the Indian Stamp Act 1899

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Office of the R.L.A.

Section 3 of the Indian Stamp Act, 1899, which is charging section provides that every instrument mentioned in Schedule I as chargeable wit duty under that Schedule, which, not having been previously executed by any person is executed in British India shall be chargeable with duty of the amount indicated in the Schedule. Under section 17 of the Act all instruments chargeable with duty have to be stamped before or at the time time of execution. According to the Advocate General's opinion reading sections 3 and 17 together the proper time in law for the stamping of an instrument is before or at the time of its first execution. Rule 3(1)(i) of the Bombay Stamp rules, 1939, provides that all duti -s with which any instrument is chargeable shall be paid by means of stamps issued by the Provincial Government for the purposes of the Act. An instrument is chargeable with duties before or at the time when it is first executed. Therefore if it is first executed in the Provice of Bombay, section 3 applies and in consequence rule 3(1)(i) also applies so that the duties with which it is chargeable shall be paid by means of stamps issued by the Government of Bombay. If however it is first executed, say in Madras it will be stamped there, and once it is so executed, it is no longer chargeable under section 3 for any subsequent execution in Bombay Provice, so that the rule will have no application. It is not therefore necessary to amend the rule as proposed by the Superintendent of Stamps.

Id/- P.N.M.
31/3.
Remembrancer of Legal Affairs.

U.R. to R.D. No. 2366 dt. 31-3-43